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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

Writ Petition (C) No. 6091of 2007

Petitioners Defendants No.1-5	1.	Mohan Lal S/o Vishnu Prasad Chandrakar, Aged about 55 years
	2.	Tejeshwar @ Chhotu Chandrakar S/o Mohan Lal Chandrakar Aged about 26 years
	3.	Digeshwar S/o Mohan Lal Chandrakar Aged about 30 years
	4.	Narendra S/o Mohan Lal Chandrakar, aged about 34 years
	5.	Smt. Ram Pyari Widow of Vishnu Prasad Chandrakar, aged about 78 years
		All resident of village Kurud, Tahsil Kurud, District – Dhamtari (C.G.)

VERSUS

Respondents Plaintiffs	1.	Karmchand Sundrani S/o Arhtmal Sundrani Aged about 49 years
	2.	Dr. Baljeet Singh Kukreja S/o Niranjan Singh Kukreja aged about 65 years
		Both resident of village Gobra Naya para Razim, District Raipur Chhattisgarh
Defendant No.6&7	3.	Ku. Rati Bai Chandrakar D/o Bhagwat Chandrakar aged about 23 years
	4.	Smt. Smita Bai Chandrakar D/o Bhagwat Chandrakar aged about 26 years
		Both through Bhagwat Chandrakar S/o Rampyare Chandrakar R/o Kurmipara Azad Chowk Kurud Tahsil District Dhamtari (C.G.)
Defendant No.8	5.	State of Chhattisgarh Through Collector Dhamtari, District Dhamtari (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Shri Vishnu Koshta, counsel for the petitioners.

ORAL ORDER
(Passed on 10th October, 2007)

The respondents No. 1 and 2 filed a Civil Suit before the Civil Judge for possession and permanent injunction wherein the temporary injunction was granted by order dated 21st February, 2007. Aggrieved by the same the defendants filed an appeal which was also dismissed after due consideration by order dated 14-09-2007 confirming the order

passed by the trial Court. Aggrieved by the same the defendants/petitioners have approached this Court. Matter is pending before the trial Court. However, both the Courts below have found it a fit case and granted temporary injunction in favour of the plaintiffs. Petitioners pray that the said order may be reversed. This Court has taken into consideration the power of judicial review under Article 227 of the Constitution. I am of the considered opinion that the interim injunction has been granted by the both the Courts after considering the facts and circumstances of the case. Thus looking to the stage of the case which is pending before the Court below, this Court is of the opinion that no interference is warranted with the impugned order under Article 227 of the Constitution of India. Accordingly the petition is dismissed.

Sd/-
Ag. Chief Justice